

REMARKS:

In response to the Office Action mailed November 24, 2006, an Amendment was filed on February 23, 2007. In response, the Examiner issued an Advisory Action (mailed March 14, 2007) and indicated that the February 23, 2007 Amendment will not be entered.

Since the amendments and arguments presented in the February 23, 2007 Amendment are reiterated herein for the convenience of the Examiner, the Examiner is respectfully requested to disregard the Amendment filed on February 23, 2007 and consider this Amendment. A Request for Continued Examination is submitted herewith.

In the outstanding Office Action mailed November 24, 2006, the Examiner rejected claims 1-24. Claims 1, 13, 16 and 19-24 are amended herein. No new matter is presented.

Thus, claims 1-24 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,854,007 (Hammond).

The claimed invention enables a priority table identifying delivery destinations to be dynamically adjusted. For example, if the priority table is configured so that a fax machine has the highest priority (priority 1) and an IM device has the next highest priority (priority 2), the claimed dynamic determination may change the priority table such that the highest priority (priority 1) is the IM device if the determination indicates that the recipient is currently online (otherwise, the messages may be sent via the facsimile).

The claimed invention of claim 20 includes, "adaptively cycling through the delivery devices listed in the priority table responsive to a dynamic determination of availability of the recipient to ensure initial delivery of the message to the recipient without requiring resending of a duplicate message in accordance with adjusted priorities of the priority table based on said dynamic determination" (emphasis added).

Independent claim 1 also recites, "creating, by a sender of the message, a priority table of delivery devices based on reachability of the message to a recipient" and "selecting a delivery device from the priority table having a highest priority for sending the message." Claim 1 further recites, "continuing, to sequentially select another delivery device by adjusting the priority table responsive to a dynamic determination of availability of the recipient prior to sending the

message and sending the message to the selected delivery device, until the recipient receives the message." Claims 13, 16 and 19 recite similar features.

Similarly, claim 21 recites, "creating a priority table", "cycling through verification of the delivery devices one at a time responsive to priorities of the priority table adjusted in accordance with a dynamic determination of availability of the recipient" and "changing the priorities of the priority table responsive to prior deliveries between cycles in accordance with the dynamic determination."

Claims 22 and 23 recite, "prioritization is adaptively changed... based on a dynamic determination of availability of the recipient prior to sending the message" and "sequentially selecting from the prioritized delivery mechanisms adjusted based on a dynamic determination of availability of the recipient", respectively.

Claim 24 also recites, "creating a list of delivery destinations having a first order" and "dynamically adjusting the first order to create a second order of the devices prior to sending the message based on a current determination of availability of the recipient and sending the message based on the second order."

The Examiner appears to imply that the message tracking table in Hammond that is accessible by the MRS system performing specified activities such as confirming receipt of a message and creating resend/review reminders teaches "dynamically" adjusting a delivery mechanism, as taught by the claimed invention. The Examiner indicates that Hammond sends a message to a recipient's second e-mail address, if a recipient does not receive the message to a first e-mail address. However, Hammond explicitly states, "... message delivery information could indicate to resend the message with a higher transmission priority so that successful delivery is more likely, or could indicate to resend the message to a different recipient system for the recipient (e.g., to a second email address if a first address fails, or to a pager if a cellular phone is not available)" (emphasis added) (see, Abstract and col. 3, lines 21-27). As such, Hammond does not "dynamically" adjust the delivery mechanism, instead sends the message again, i.e., resends, using another delivery information after unsuccessful delivery attempt.

In particular, the MRS system in Hammond sends the message and then tracks the message to determine if it has been successfully delivered, resending a duplicate message to another address, to another person, etc., only if the message has not been successfully delivered after the initial attempt. Since the MRS system only allows the sender to specify actions to be taken when the message delivery is unsuccessful, Hammond does not provide a

solution for ensuring initial delivery of a message (especially an urgent message) to a recipient without requiring resending of a duplicate message.

In light of the above, Hammond does not teach or suggest each and every element of the independent claims discussed above including a "dynamically adjusted" delivery mechanism for ensuring delivery of a message to a recipient without requiring resending of the message.

It is submitted that the independent claims are patentable over Hammond.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Hammond. The dependent claims are also independently patentable. For example, as recited in claim 8, "the priority table is configured in a way that a first delivery device selected to send a current message is the same device used to deliver a previous message to the recipient, and the previous message was delivered within a predetermined amount of time before the current message is sent."

Hammond does not teach or suggest the above discussed features including, "priority table configured in a way that a first delivery device selected to send a current message is the same device used to deliver a previous message to the recipient", where the previous message was "delivered within a predetermined amount of time before the current message is sent."

Therefore, withdrawal of the rejection is respectfully requested.

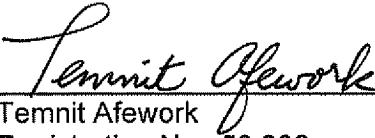
CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By: 
Tennit Afework
Registration No. 58,202

Date: 03/26/2007
1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501